

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARK HOLADAY, an individual,

Plaintiff,

V.

KEYBANK N.A., a national banking association,

Defendant.

KEYBANK N.A., a national banking association,

Third-Party Plaintiff,

V.

JASON HOLADAY, an individual,

Third-Party Defendant.

This matter comes before the Court on the parties' stipulated Motion to Extend Trial Dates and Associated Case Deadlines. Dkt. #27. This case was originally filed in 2019 with a trial date of November 9, 2020. Dkt. #18. The Court has twice continued deadlines due to discovery difficulties from COVID-19. *See* Dkts. #24 and #26. Trial is currently scheduled for August 16, 2021. Dkt. #26.

ORDER DENYING STIPULATED MOTION TO EXTEND TRIAL AND ASSOCIATED DEADLINES – 1

1 The current Motion requests another 120-day extension. The only explanation for the
2 request is as follows:

3 Good cause exists to extend the case deadlines because the COVID-
4 19 crisis and government-directed social distancing measures have
5 made discovery difficult. As such, parties are continuing to engage
6 in discovery and need additional time to complete the discovery
7 processes.

8 Dkt. #27 at 2.

9 A scheduling order “may be modified only for good cause and with the judge’s consent.”
10 Fed. R. Civ. P. 16(b)(4). “Mere failure to complete discovery within the time allowed does not
11 constitute good cause for an extension or continuance.” LCR 16(b)(6). The decision to modify
12 a scheduling order is within the broad discretion of the district court. *Johnson v. Mammoth*
13 *Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir. 1992). “Rule 16(b)’s ‘good cause’ standard
14 primarily considers the diligence of the party seeking amendment.” *Id.* at 609. If a party has
15 acted diligently yet still cannot reasonably meet the scheduling deadlines, the court may allow
16 modification of the schedule. *Id.* However, “if that party was not diligent, the inquiry should
17 end” and the motion to modify should not be granted. *Id.* Local Civil Rule 16(m) states that
18 “this rule will be strictly enforced” in order to “accomplish effective pretrial procedures and avoid
19 wasting the time of the parties, counsel, and the court.”

20 The Court previously granted the parties’ Motions because of the obvious delay to
21 discovery caused by the COVID-19 pandemic. The current Motion does not explain why the
22 parties were unable to accomplish discovery within this additional time. A single sentence saying
23 that discovery has been “difficult” does not demonstrate diligence by the parties.
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1 Given all of the above, the Court hereby finds and ORDERS that the parties' third
2 stipulated Motion to Extend Trial Dates and Associated Case Deadlines, Dkt. #27, is DENIED
3 without prejudice. The parties are free to file this Motion again with further factual support.

4 DATED this 17th day of February, 2021.

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8 RICARDO S. MARTINEZ
9 CHIEF UNITED STATES DISTRICT JUDGE